

KA LAHUI HAWAI'I

1030 Kolu Street, #102 - Honolulu, HI 96817

Josiah "Black" Ho'ohuli

Kia'aina (Governor)

Keali'i Gora

Lukanela Kia'aina

(Lt. Governor)

Shane Pale

Kakau 'Olelo (Secretary)

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Pu'ukū Lahui (Treasurer)

November 22, 1999

Assistant Secretary John Berry
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Testimony on Reconciliation Process

Aloha,

Ka Lahui Hawai'i is a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C. Besides adopting a Constitution in 1987, Ka Lahui Hawai'i unveiled the Ho'okupu a Ka Lahui Hawai'i (Ka Lahui Master Plan) in February 1995. The Ho'okupu provides Ka Lahui's strategy to achieve self-determination, which includes a section specifically addressing reconciliation.

Before detailing Ka Lahui's approach to reconciliation, I would like to first designate Keali'i Gora (Lt. Governor) and Shane Pale (Secretary) as Ka Lahui's representatives for the roundtable discussion on reconciliation. It is important to note that while Ka Lahui Hawai'i is designating two official representatives on reconciliation, in fact the elected legislature of Ka Lahui Hawai'i comprised of representatives from each island and the continental US formally adopted the Ho'okupu, which includes Ka Lahui's initiative for reconciliation. Additionally, over 50,000 copies were disseminated to Hawaiians and non-Hawaiians throughout Hawai'i and the continental US in order to gather community input on the proposals included in the Ho'okupu.

Reconciliation is just one of the eight components covered in the Ho'okupu, which will each, be briefly explained. First, the Ho'okupu begins by calling for the Endorsement of Fundamental Principles critical to the sovereign Hawaiian nation. These fundamental principles include a commitment to peace, disarmament, and non-violence; recognition of the inherent dignity and of the equal and inalienable rights of Native Hawaiians and their descendants under international legal standards; the right to self-determination; the right to self-development; termination of wardship; and establishment, jurisdiction, and recognition of Ka Lahui Hawai'i. Self-determination is exercised when Native Hawaiians freely determine their political status and freely pursue their economic, social and cultural development. This means Federal and State government agencies must not participate in the establishment of a Native nation and government.

The second section, entitled Consensus Building, encourages consensus by building upon what has been established (Ka Lahui's long track record of accomplishments), while also agreeing to accept the challenge of change. The Master Plan explains that Ka Lahui's Constitution allows persons or groups favoring other structures of government, for example: monarchical, traditional, free-association, or commonwealth status, to change Ka Lahui's structure if supported by the Nation's citizens and elected leaders.

The next section, Dealing with the United States, describes the relations between the US and the indigenous peoples of Hawai'i from its inception in 1826 to the current policy of non-recognition, denial, and State wardship. The section concludes with Ka Lahui's position regarding the U.S. policy, which proposes a process for reconciliation as provided in the Apology Bill.

Section four provides a general template for Terminating Wardship Under the State. The steps required include repudiation of State wardship, the segregation of traditional lands and natural resources, and specific provisions for the Hawaiian Home Lands and Ceded Lands Trusts.

Section five calls for the Establishment of a National Land Trust so Ka Lahui Hawai'i can develop housing, medical and educational facilities, and business enterprises. The Ho'okupu explains that the current and immediate needs of the Hawaiian peoples require no less than 2 million land acres.

The next section addresses the Private Land Trusts, created by the Hawaiian Monarchy to provide for education, medical assistance and assistance for elderly and orphaned children. Ka Lahui Hawai'i asserts in its Ho'okupu that Native Hawaiians and their descendants should participate in the management of the trusts as beneficiaries. Instead of avoiding sovereignty or escaping the ramifications of Hawaiian self-determination, the Private Trusts are encouraged to work cooperatively with Ka Lahui Hawai'i as an alternative to beneficiary suits.

Section seven explains the critical component of Economic Development since the goal of nationhood is economic self-sufficiency. In this section, the Ho'okupu deals with issues of taxation and regulation. More importantly, the concept of community-based economic development is endorsed.

The final section in the Ho'okupu addresses International Issues. Since Hawai'i was a part of the United Nations system from 1946-1959 as one of the territories on the United Nations list of Non-Self-Governing Territories, there is an international aspect to Hawaiian sovereignty. The Ho'okupu encourages utilization of the UN process to achieving decolonization in Hawai'i.

The Ho'okupu has shaped the focus of Ka Lahui's initiatives and activities since its completion in 1995. While Ka Lahui Hawai'i has focused its work on implementing various aspects of the Ho'okupu including consensus-building through puwale, Ho'omalua ma Kualoa and now as a participant on Paepae Hanohano to community-based economic development through Hale Ku'ai (Ka Lahui's national store), this hearing as a first step toward implementing reconciliation could further three critical sections of the Ho'okupu - Dealing with the United States, Terminating Wardship Under the State and Establishment of a National Land Trust.

As background to addressing reconciliation, an evolution of the United States policy relating to Hawai'i and its indigenous peoples is described in the section entitled Dealing with the United States as follows:

1. The Policy of Perpetual Peace and Friendship – 1826-1842
2. The Policy of United States Colonial Domination – The Tyler Doctrine 1842
3. The Policy of Armed Intervention – The Overthrow of 1893 and Annexation of 1898
4. The Policy of the "Sacred Trust" – 1946-1959

Thereafter, the current policy of the United States towards Hawaiians: The Policy of Non-Recognition, Denial and State Wardship is also explained:

1. State Wardship
2. Non-Recognition
3. Reagan, Bush, and Clinton Administrative Policy – Abandonment
4. The Apology Bill

Finally, the section concludes with what will be the crux of Ka Lahui's testimony on reconciliation. First, Ka Lahui's Position Regarding United States Policy:

1. Ka Lahui Hawai'i rejects the United States Policy of State Wardship and calls for the immediate termination of this policy by the United States and the State of Hawai'i.
2. The United States accepted a "sacred trust" obligation over Hawai'i under the United Nations Charter and has admitted to its role as a Trustee of the Native Hawaiian trusts. In both instances, the United States has violated its trust obligations and is obligated to restore the rights and entitlements of the indigenous peoples of Hawai'i to self-determination and to our lands, assets, and natural resources under the United Nations Charter and other international covenants, and pursuant to its own laws.
3. By adoption of the Apology Bill, the United States has acknowledged that "the indigenous Hawaiian people have never directly relinquished their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum." Therefore, under international law, the American government is engaged in an illegal occupation of Hawai'i.
4. As an act of our collective right to self-determination and to self-governance, Ka Lahui Hawai'i accepts the United States Apology and proposes the following process for "reconciliation" under Public Law 103-150.

Secondly, the Ka Lahui Hawai'i Initiative for "Reconciliation" with the United States Pursuant to U.S. Public Law 103-150 (The Apology Bill):

1. The goals of "Reconciliation" are:
 - a) The final resolution of historic claims relating to
 - i. the overthrow;
 - ii. claims relating to State and Federal misuse of native trust lands and resources;
 - iii. violations of human and civil rights; and
 - iv. Federally held Lands and resources;
 - b) The structuring of a new relationship between Ka Lahui Hawai'i and the United States which acknowledges the rights of Native Hawaiians and their descendants, including our right to self-determination.
2. The Essential Elements of "Reconciliation" with the United States shall include but not be limited to the following:
 - a) Express termination of the United States policy of non-recognition of Native Hawaiian self-determination. Repudiation of United States policy of State Wardship.
 - b) Federal recognition of Ka Lahui Hawai'i as the indigenous sovereign Hawaiian Nation and Federal recognition of the jurisdiction of Ka Lahui Hawai'i over its national assets, lands, and natural resources.
 - c) Federal programs, legal and fiscal entitlements, tax benefits, and other obligations to be negotiated.
 - d) Recognition of Hawaiian sovereign rights to trade and commercial activities based on treaties between the Hawaiian Nation and other sovereigns - before and after the overthrow.
 - e) A commitment to decolonize Hawai'i through the United Nation process for non-self-governing territories.

3. Provision for Land, Natural Resources, and Cultural Resources include:

a) Restoration of traditional lands, natural resources, ocean and energy resources to the Ka Lahui National Land Trust:

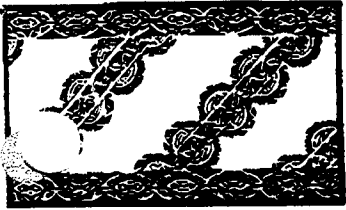
- i. The United States and the State of Hawai'i shall inventory and restore the lands of the native trusts (State controlled Hawaiian Home Lands and Ceded Lands) and Federally held Lands, and the United States shall remedy all Federal and State breaches of trust relating to these assets.
- ii. The United States and the State of Hawai'i shall segregate the Hawaiian National Trust Lands from other public and private lands.
- iii. The United States and the State of Hawai'i shall allocate not less than two (2) million acres of land drawn from State-controlled Ceded Lands, State-controlled Hawaiian Home Lands, and Federally-controlled Lands to the National Land Trust.
- iv. The Base Closure Act and Federal Surplus Property Act shall be amended to allow for land banking of these lands for the National Land Trust.

b) Cultural, traditional, religious, and economic rights

The United States shall recognize individual and collective Hawaiian rights to cultural and religious properties, marine resources (to the 200 mile limit established under International Law) and cultural ecosystems. These traditional and economic entitlements should be recognized as the jurisdiction of Ka Lahui Hawai'i, the indigenous Hawaiian Nation.

We call upon both Mr. John Berry and Mr. Mark Van Norman to give serious consideration to Ka Lahui's proposal for reconciliation. Additionally, Ka Lahui's designated representatives will be available to address any questions or concerns prior to and during the roundtable discussion set for December 11, 1999.

Mahalo for this opportunity to submit testimony on reconciliation. If you have any questions, please feel free to call us at our office in Honolulu (808) 845-6246, fax (808) 848-6830, or email us at kalahui@gte.net. We look forward to hearing from you with regard to our participation in the roundtable discussion.



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Testimony on Political Relationship

Aloha,

Ka Lahui Hawai'i is a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C. One of the fundamental principles endorsed in the Ho'okupu a Ka Lahui Hawai'i (the Ka Lahui Master Plan) is the right to self-determination. While Ka Lahui Hawai'i has consistently advocated for the inclusion of Native Hawaiians in the existing federal policy of self-determination which affords American Indians and Alaska Natives the opportunity to relate to the US in a government to government relationship, ultimately, this political relationship should be determined by Native Hawaiians.

Native Hawaiians and our descendants have the right of self-determination. By virtue of that right, we are entitled to freely determine our political status and freely pursue our economic, social and cultural development. Pursuant to the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights, the United States, other western countries and approximately three hundred million indigenous peoples throughout the world recognize this right of self-determination.

Self-determination must guide all efforts to attain sovereignty. This means Federal and State government agencies must not participate in the establishment of a Native nation and government, nor should they influence the process. Self-determination is realized when Native Hawaiians choose a governmental structure that provides for their democratic representation. Only then will we be able to deal effectively with the State and Federal governments, which now control our lands and natural resources.

Since its inception in 1987, Ka Lahui Hawai'i has advocated for the inclusion of Native Hawaiians in the existing federal policy of self-determination. As US representatives from the Departments of Interior and Justice, you are well

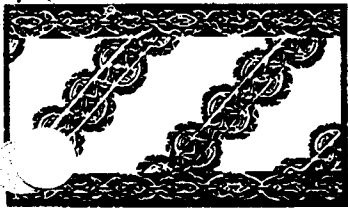
aware of the federal policy as it applies to American Indians and Alaska Natives. However, Native Hawaiians continue to be excluded from this policy of self-determination. This exclusion is in direct contradiction to the numerous measures passed by Congress including Native Hawaiians in programs for Native Americans. The following Congressional Acts are just a few examples:

1. The Native American Programs Act of 1974, Pub. L. No. 93-644, § 11, 88 Stat. 2323-26 (1975), 42 U.S.C. § 2991-92;
2. The American Indian Religious Freedom Act, Pub. L. No. 95-341, 92 Stat. 469 (1978), 42 U.S.C. § 1996;
3. The Native American Graves Protection and Repatriation Act, Pub. L. No. 101-601, 104 Stat. 3048 (1990), 25 U.S.C. secs. 3001-13;
4. The National Historic Preservation Act of 1966, Pub. L. No. 89-665, § 101, 80 Stat. 915 (1966), 16 U.S.C. § 470a(d)(6);
5. The Older American Act of 1965, 89-73, § 101, 79 Stat. 219 (1965), 42 U.S.C. § 3001 et seq.

The inclusion of Native Hawaiians in the existing federal policy of self-determination would be a first step to allowing Native Hawaiians to relate as a "Nation to Nation" with the United States. It would then be the responsibility of the Nation to resolve Hawaiians claims to native trusts and other entitlements, including but not limited to land, water, natural resources, housing, education, health, and economic development.

While Ka Lahui Hawai'i advocates at a minimum for inclusion in the existing federal policy of self-determination, other claims like international violations outside of the jurisdiction of the Departments of Interior and Justice will require the cooperation and participation of other Federal and even International bodies. In any event, inclusion in the existing federal policy would address Native Hawaiian needs immediately, while leaving the door open for other options after a period of decolonization.

At this time, I would like to designate Lehua Kinilau (Treasurer) as Ka Lahui's representative for the roundtable discussion on political relationship. If you have any questions, please feel free to call us at our office in Honolulu (808) 845-6246, fax (808) 848-6830, or email us at kalahui@gte.net. We look forward to hearing from you with regard to our participation in the roundtable discussion.



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Testimony on Native Hawaiian Culture and Economic Development

Aloha e Mark van Norman me John Berry. Aloha kakou e na kupuna, na makua, na 'opio a me na hoaloha o ka pae 'aina Hawai'i. Aloha.

Ka Lahui Hawai'i is a native initiative for Hawaiian self-government, formed by and for Native Hawaiians, without the interference of State or Federal agencies. Ka Lahui Hawai'i is the evolutionary product of years of legal research and community dialogue. Citizens of Ka Lahui Hawai'i are committed to regaining their native lands and re-establishing Hawaiians as a self-governing people.

Native Hawaiian Culture

Ka Lahui Hawai'i defines sovereignty as the ability of a people to govern their own affairs. Furthermore, the Nation has a more specific definition of sovereignty one of which includes a people with a common culture, language, tradition and history. For example, Native Hawaiians clearly possess a unique and

distinct culture, beautiful language, special traditions and a vibrant history. Also, another element of sovereignty is a land base, which enables Hawaiians to live and practice their culture and traditions. Ka Lahui Hawai'i is working to secure the Hawaiian Home Lands Trust, which includes approximately 200,000 acres, and the 5(f) Ceded Lands Trust, comprising approximately 1,800,000 acres.

Today, for Native Hawaiians, the protection of cultural and intellectual property has taken on growing importance and urgency. The very notion of being "Hawaiian" embraces the concept of a distinct and separate culture and way of life, based upon long-held traditions and knowledge which are connected, fundamentally, to our specific lands. Native Hawaiians cannot survive, or exercise their fundamental human rights as distinct nations and peoples, without the ability to conserve, revive, develop and teach the wisdom they have inherited from their ancestors.

As such, the protection of cultural and intellectual property is connected fundamentally with the realization of the territorial rights and self-determination of Native Hawaiians. Traditional knowledge of values, self-government, social organization, managing ecosystems, maintaining harmony among peoples and respecting the land is embodied in the hana no'eau (arts), 'oli (poetry), mele (songs), mo'olelo (literature) which must be learned and renewed by each succeeding generation of Native Hawaiian children. These rich and varied expressions of the specific identity of each Native Hawaiian provide the required information for maintaining, developing and, if necessary, restoring Native Hawaiian societies in all of their aspects.

Chairs Van Norman and Berry, contemporary issues involving Native Hawaiian culture include, but are not limited to, protection and use of sacred sites, return and reburial of human remains, recovery of sacred and ceremonial object, ensuring the authenticity of artworks, and communal rights to traditional designs. Issues in the performing arts, breaches of confidentiality, tourism and problems of privacy, medical research and "bio-prospecting", indigenous science and

technology, community control of research, and professional organizations and ethics are other modern day problems and challenges Native Hawaiians face.

Ka Lahui Hawai'i calls upon your departments to comply with international and national legal instruments and mechanisms relating to Native Hawaiian culture. They include: Universal Declaration of Human Rights Article 27.2, International Covenant of Economic, Social and Cultural Rights Article 15.1, International Convention on the Elimination of All Forms of Racial Discrimination Article 5 (d), and UNESCO Declaration on the Principles of International Cultural Cooperation (1966). Additionally, legal mechanisms which require compliance include: UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), and Organization of American States (OAS) Convention on the Protection of the Archaeological and Artistic Heritage of the American Nations (Convention of San Salvador, 1976). Other legal standards focus on the World Intellectual Property Organization (WIPO), Berne Convention for the Protection of Literary and Artistic Works (1886). Congressional mandates include: Native American Graves Protection and Repatriation Act (NAGORA), American Indian Religious Freedom Act (AIRFA) and many other legal instruments and mechanisms. .

Pursuant to resolution 46/10 of October 22, 1991, the United Nations General Assembly reaffirmed the importance of inventories as an essential tool in the identification and recovery of cultural property. Indigenous peoples, including Native Hawaiians, lack the resources necessary to compile inventories of their dispersed heritage or to arrange for the return of objects across international borders. The United States and its agent, the State of Hawai'i and other international institutions, multi-national corporations, and relevant non-governmental organizations should give urgent attention and priority to Native Hawaiian needs. Ka Lahui Hawai'i seeks immediate implementation of these national and international legal conventions, mechanisms, instruments and standards. Your cooperation and resolution of Native Hawaiian cultural matters will be greatly appreciated.

Economic Development

Ka Lahui Hawai'i defines the fifth element of sovereignty as an economic base, the ability of the nation to work on behalf of its citizens to be self-supporting. Ka Lahui Hawai'i asserts that the goal of nationhood is economic self-sufficiency.

The cornerstones and fundamental building blocks of our sovereign initiative for economic development are the following:

1. The Hawaiian Nation shall establish a National Land Trust and have jurisdiction over its capital assets (revenues) in order to support economic initiatives for housing, employment, education, and the development of its own businesses and those of its citizens;
2. The Hawaiian Nation shall attain international and United States recognition of its sovereignty and shall negotiate economic and tax benefits appropriate for a National Land Trust. This shall not only exempt "national" business from taxation, but it shall provide the private sector (Hawaiian and non-Hawaiian) businesses with the opportunity to share in these benefits if they undertake to joint-venture with the Hawaiian Nation. This approach provides the Hawaiian Nation with the ability to utilize the tax incentive to work with the broader business community in meeting the needs of our citizens while creating more opportunities for affordable products and services.
3. The international trade agreements, covenants, and treaties between the Monarchy and other "foreign" nations are a historic entitlement, the benefits of which are due Native Hawaiians and their descendants. Therefore, the Hawaiian Nation has an established history of international trade agreements which is a basis for seeking such status with other nations, including the United States. It is Ka Lahui Hawai'i's

position that our sovereign nation should be free to enter into international trade agreements and contracts without the burden of United States customs, tariffs, and import and export regulations and costs.

4. Ka Lahui Hawai'i supports the concept of community-based economic development. Economic self-sufficiency is an achievable goal of our citizens and local communities. Hawaiian small businesses should be given the financial and technical support to create and maintain businesses, which employ citizens and return benefits to the community that supports the business enterprises.

A. Taxation and Regulations

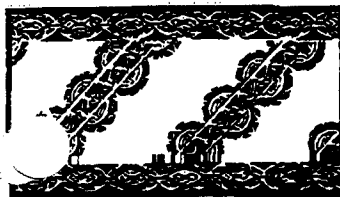
The power to tax and to regulate economic activities on its land base is an essential expression of self-determination of peoples through their sovereign nation. This power cannot be limited to economic activities of indigenous peoples, but must extend to all economic undertakings pursued within the domain (land, air, and water) of the Hawaiian Nation.

B. The Right to Self-Development and Technology

Ka Lahui Hawai'i asserts that economic development must be culturally appropriate and environmentally responsible. Technological applications, which meet these criteria, should be utilized by the Hawaiian Nation. The right to determine whether development occurs and how development proceeds is a sovereign right vested in the Hawaiian Nation.

In keeping with our national commitment to peace and disarmament, Ka Lahui Hawai'i opposes the use of all trust lands and marine and air resources for military ends.

Mahalo Nui Loa (Thank you) for the opportunity to testify.



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Testimony on Native Hawaiian Housing

Aloha,

Ka Lahui Hawaii is a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C.

At this time, I would like to designate Robin Danner as Ka Lahui's representative for the panel discussion on Native Hawaiian Housing. Her testimony has already been submitted, which provides her experience and background in housing as well as Ka Lahui's position on Native Hawaiian Housing. If you have any questions, please feel free to call us at our office in Honolulu (808) 845-6248, fax (808) 848-6830, or email us at kalahui@gte.net. We look forward to hearing from you with regard to our participation in the panel discussion.

Mission Statement: To establish a Community Land Trust (CLT).

A CLT is an non-profit organization created to hold land for the benefit of a community and the individuals within the community. Most CLT's are especially concerned with providing and preserving affordable housing on this land.

Malama Aina the land called Maunalaha for the benefit of future generations and to perpetuate the culture and lifestyle.

B. Long Term Goals and Objectives:

- * Property placed in CLT.
- * Upgrade Infrastructure: water, electricity, sewer
- * CHDO status: to help rebuild and rehab homes
- * Negotiate better lease agreement w/DLNR

C. Short Term Goals and Objectives:

- * 501C3 Status
- * Strengthen community and board
- * Education programs for children in valley:
 - * adopt a loi
 - * summer archeological study in valley
 - * indigenous plants
- * Find monies to improve infrastructure and housing situation

D. Weaknesses:

- * lots located near streams
- * lots located on steep cinder slopes
- * no access
- * no infrastructure
- * resident population too small to justify costs of needed improvements

E. Opportunities:

- * HUD:
- * HOME Program
- * CDBG
- * Association for Native American (ANA) Grants

F. Threats

- * Lack of government funding/support
- * Existence of a non-hawaiian lessee
- * Increase in Property Taxes
- * Total erosion of infrastructure causing serious damage
- * Lack of Fire Hydrants
- * Permitting process:
- * Apply for a CDUA from DLNR

G. Strengths

- * Younger generation getting involved
- * Partnerships with various non-profit organizations
- * Legislature aware of needs
- * Residents willing to do repairs
- * History of 150 years
- * Established Community

Problem Statement

Road Repairs

- Not county standards
- emergency vehicles, hard time responding due to size and condition of road
- Realign telephone poles
- guard rails
- street lights (only one exists at beginning)

Infrastructure

- Electricity
 - Outdated lines installed 1930 doesn't meet codes
 - power surges
- Water
 - no fire hydrants (nearest is over 1000 ft away)
 - galvanized lines since 1930, constant breakage not sure about water quality
 - increase water pressure
- Cesspools
 - old and collapsed
 - not allowed
 - septic tank costs

Homes

- substandard (old)
- none existent
- financing

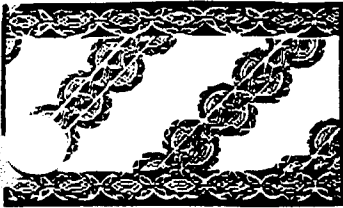
Insurance

- Hurricane
- Fire
- CPL

Needs Assessment

Lot No	Size	Condition of Home	Infrastructure	on Lot	Family Needs/Community Priority	<21	22+	55+
1	0.93	Poor	substandard	yes	Financing for home repairs	1	2	1
2	0.78	Good	substandard	yes	Financing for rebuilding home, taxes		1	2
3	0.49	Poor	substandard	yes	Funding infrastructure and home	2	3	
4	0.59	Poor	substandard	no	Funding infrastructure and home			2
5	0.64	New	substandard	yes	Taxes			
6	0.49	Fair	substandard	yes	Descendency		3	1
7	0.44	None	None	no	No access, infrastructure, finance home			
8	0.86	Fair	substandard	yes				1
9	0.48	None	None	no	Funding infrastructure and home			1
10	0.29	Poor	substandard	yes	Funding infrastructure and home	1	2	1
11	0.75	Poor	substandard	yes	Taxes, no fire hydrants, financing, infrastructure			
12	1.04	None	None	no	Funding infrastructure and home			2
13	0.82	None	None	no	Funding infrastructure and home		3	
14	0.64	None	substandard	no	Funding infrastructure and home			3
15	0.82	Poor	substandard	yes	Funding infrastructure and home	2	2	
16	0.35	None	None	no	Funding infrastructure and home, no access	1	2	1
	1.25	Poor	substandard	yes	Funding infrastructure and home, insurance property taxes, river plugs w/heavy rains	3	1	3
18	1.30	Fair	substandard	yes	High property taxes, insurance, funding home	3	1	2
19	0.52	New	substandard	yes				
20	1.14	Poor	substandard	yes	Mudslide from Round Top, descendency	3	2	
21	1.30	New	substandard	yes	Property Taxes, insurance, descendency	3	2	
22	0.64	Good	substandard	yes	Property Taxes, descendency	3	2	1
23	0.32	None	None	no	Funding infrastructure and home			
24	0.52	None	None	yes	Funding infrastructure and home, river bank	1		2
25	0.28	Poor	substandard	yes	Funding infrastructure and home			1
26	0.36	None	None	yes	Funding infrastructure and home	2	2	
27	0.24	Good	substandard	yes	traffic and speeding from Nature Ctr, not 50%		1	1
28	0.52	Poor	substandard	yes	Funding infrastructure and home	2	3	1
29	0.70	Poor	substandard	yes	Funding infrastructure and home		1	1
30	0.40	Poor	substandard	no	Steep slope, funding infrastructure and home			

Information collected by survey



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Testimony on Native Hawaiian Education and Health

Aloha e Mark van Norman me John Berry. Aloha kakou e na kupuna, na makua, na 'opio a me na hoaloha o ka pac 'aina Hawai'i. Aloha.

I submit this testimony on behalf of Ka Lahui Hawai'i, a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C. Besides adopting a Constitution in 1987, Ka Lahui Hawai'i unveiled the Ho'okupu a Ka Lahui Hawai'i (Ka Lahui Hawai'i Master Plan) in February 1995. The Ho'okupu provides Ka Lahui Hawai'i's strategy to achieve self-determination, which includes a brief section on education and health.

Ka Lahui Hawai'i is committed and dedicated to self-determination, the right of Native Hawaiians to determine their political status and freely pursue their social, economic and cultural development. This includes the right to determine their educational needs and programs. Ka Lahui Hawai'i also believes that Native Hawaiian education is the primary key to empowerment, providing economic, social and other opportunities. The Nation will do everything in its power to protect and defend all aspects of Native Hawaiian education.

Native Hawaiian Education

Ka Lahui Hawai'i is deeply concerned with the overall management, operation and financing of Native Hawaiian educational programs, specifically elementary, immersion, middle, secondary, and even the collegiate programs. Generally speaking, all of these programs are understaffed, underrepresented, underfunded, not supported and are not in compliance with the federal laws relating to the Native Languages Act and other federal laws and provisions, State Constitutional mandates, statutes and policies and other task force reports relating to Hawaiian education.

Historically, Ka Lahui Hawai'i is cognizant that our ancestors were considered among the most literate people in the world – education was primary and valued in traditional Hawai'i. Consequently, today, while the Hawaiian student population comprises 25.7% of the total student population, they make up 35.3% of the special education programs. Additionally, 39.4% of Hawaiian students consist of the learning disabled. In the University of Hawai'i system, I would like to inform you that professors of Hawaiian ancestry constitute only 2% of the university faculty. Students enrolled in one of the state universities or community colleges in Hawai'i and are of Hawaiian descent comprise only 11%. Ka Lahui Hawai'i implores the two of you to seriously examine and evaluate the State Department of Education and the University of Hawai'i's actions and programs relating to Hawaiian education and seek rectification through the appropriate federal agencies of our many concerns and immense violations. Your instantaneous attention and cooperation with these matters will be greatly appreciated.

Chairs Van Norman and Berry, Ka Lahui Hawai'i is also aware that there exists numerous and substantial international charters, conventions and other instruments that recognize the basic human rights of all peoples, amongst which is the right of education. These include:

- Universal Declaration of Human Rights;
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention Against Discrimination in Education;
- Coolangatta Statement;
- Kari-Oca Indigenous Peoples Earth Charter;
- Draft Declaration on the Rights of Indigenous Peoples;
- Discrimination (Employment and Occupation) Convention;
- Declaration on the Elimination of all Forms of Racial Discrimination.
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Ka Lahui Hawai'i also calls upon your departments to examine and implement these international charters, conventions and other instruments, especially those international legal documents that the United States are signatories to. These legal standards are critically important to effective diplomatic relations. We humbly request that the United States expeditiously execute and fulfill this obligation with the highest trust standards.

Native Hawaiian Health

In the area of Native Hawaiian health, the colonization of Native Hawaiians and their subsequent loss of land and traditional livelihoods has lead to their current health statistics, which are the worst in the state of Hawai'i and in the United States. The two most significant indicators of health are morbidity and mortality rates. The morbidity statistics of Native Hawaiians indicates heart disease, cancer, and diabetes as the three most troubling diseases and the leading causes of health related deaths among Hawaiians. The morbidity and mortality statistics of Native Hawaiians suggest a significant problem in Native Hawaiian health care.

Heart Disease

Native Hawaiians make up 20% of the population of Hawai'i, yet account for nearly 50% of all heart disease cases.

Although the number of Native Hawaiian heart disease cases number less than non-Natives (who comprise of 80% of the state's population) the mortality rate of Native Hawaiians due to heart disease is significantly higher than non-Natives. In 1990, the mortality rate due to heart disease for Native Hawaiians per 100,000 was 523 compared with 189 non-Natives.

Cancer

Native Hawaiians lead the state of Hawai'i in lung cancer. In Hawai'i, between 1986 and 1990, there were 69 incidences of lung cancer among Native Hawaiians males per 100,000 compared with 46 incidences among non-Native males, and there were 38 occurrences of lung cancer among Native Hawaiian females per 100,000 compared with 23 incidences among non-Native females.

Diabetes

Native Hawaiians account for more than 66% of all diabetes cases in Hawai'i, although they comprise of only 20% of the total population. According to recent statistics, the mortality rate for diabetes for Native Hawaiians per 100,000 was 57 compared with 5 for non-Natives.

Health Care

The most recent mortality rate statistics indicate that the number of deaths related to heart disease, cancer and diabetes for Native Hawaiians far outnumber non-Native deaths in Hawai'i related to these same health conditions. According to Hawai'i's medical community, these diseases are controllable if patients are provided with adequate health care.

Native Hawaiian Health Care Improvement Act

The Native Hawaiian Health Care Improvement Act was passed through the U.S. Congress in 1988. This act set up a non-profit organization, Papa Ola Lokahi, as a health care service agency to receive U.S. federal monies and address the deplorable health statistics of Native Hawaiians.

In the Native Hawaiian Health Care Program report to Congress, it cited access to Health care as a major reason for the current health statistics of Native Hawaiians. This report recognized the "cultural chasm" between Western and Traditional medicine and transportation difficulties as the major dilemmas in Native Hawaiians accessing health care.

Since the enactment of this Native Hawaiian Health Care Program there has been no significant, positive change in Native Hawaiian health statistics. Ka Lahui Hawai'i believes that Papa Ola Lokahi has failed to provide primary medical care for Native Hawaiians with acute medical conditions, and instead has implemented only prevention programs, referral services, and cultural activities.

Papa Ola Lokahi's "Compact" with the Federal Government

The Native Hawaiian Health Care Act is currently under the process of reauthorization in the U.S. Congress. Current drafts of this Act allow the U.S. Secretary to "compact" with Papa Ola Lokahi, likening its status to that of a local government. Ka Lahui Hawai'i asserts that this "compact" language is a violation of the Native Hawaiian peoples' right to self-determination and is another attempt by the U.S. government and its agent to maintain control over Hawaiian lands and entitlements. Furthermore, the Legislature of Ka Lahui Hawai'i denounces any

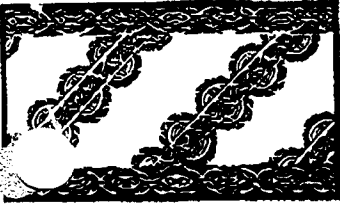
further reference to the establishment of a "compact" between Papa Ola Lokahi and the federal government in the reauthorization of the Native Hawaiian Health Care Act.

In closing, Mr. Van Norman and Mr. Berry, Ka Lahui Hawai'i would like to remind you that the United States and its agent, the State of Hawai'i have a legal responsibility to take care of the first peoples of this land by allowing Native Hawaiians to exercise self-determination, which includes:

1. providing a better system to improve overall Hawaiian education and health,
2. appropriating more funds directly to the nation to be expended on struggling Hawaiian education and health programs,
3. allowing the nation to create, develop, organize and implement a new Hawaiian educational and health care systems and programs incorporating Hawaiian culture, language, history and values.

We ask for your immediate financial and physical support in these varied initiatives and hope that you will give serious consideration to Ka Lahui Hawai'i's proposal on Native Hawaiian education and health. Additionally, Keali'i'olu'olu Gora, Lieutenant Governor, will speak on issues relating to Native Hawaiian education and Creighton Mattoon, O'ahu Island Po'o (Chair) will be Ka Lahui Hawai'i's representative on health related matters. Furthermore, we strongly urge you to continue the federal hearings in the immediate future on all islands for greater Native Hawaiian input and participation.

Mahalo nui loa (Thank you very much) for the opportunity to submit testimony on Native Hawaiian education and health. Please call our office in Honolulu at (808) 845-6246, fax (808) 848-6830, or email kalahui@gte.net should you have any questions. Ka Lahui Hawai'i looks forward to hearing from you with regard to our participation on the panel.



KA LAHUI HAWAII

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November 22, 1999

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Testimony on Hawaiian Land and Natural Resources

Aloha,

Ka Lahui Hawai'i is a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C. Since its inception in 1987, Ka Lahui Hawai'i has advocated for the return of land to the Hawaiian Nation. The Ho'okupu a Ka Lahui Hawai'i (Ka Lahui's Master Plan), which is explained in more detail in Ka Lahui's testimony on reconciliation has four sections that deal with land issues – Dealing with the United States, Terminating Wardship Under the State, Establishment of a National Land Trust, and the Private Land Trusts.

Before detailing Ka Lahui's position on Hawaiian Land and Natural Resources, I would like to designate Shane Pale (Secretary) and Lehua Kinilau (Treasurer) as the official Ka Lahui Hawai'i representatives to address issues related to Hawaiian land and natural resources. LNR

The provision for land, natural resources and cultural resources in the Ho'okupu under the section Dealing with the United States has already been included in testimony on reconciliation. Thus, more emphasis here will be placed on Terminating Wardship Under the State, Establishment of a National Land Trust, and The Private Land Trusts.

Native Hawaiians and their descendants have not benefited from the illegal United States imposed policy of State Wardship which was created in 1959 as part of Statehood. On the other hand, the State of Hawai'i has benefited by utilizing its power as a Trustee to diminish, transfer, encumber, and toxify our native trust lands and resources. By failing to settle Hawaiians and native Hawaiians on 5(f) Ceded and Hawaiian Home Lands, the State withheld from Native peoples their land entitlements, while Hawaiian "beneficiaries" died in poverty and destitution. The State acted in collusion with the Federal Government to violate the human and civil rights of Hawai'i's indigenous peoples, and participated in denying the Hawaiian people their collective rights to self-determination and self-government.

Ka Lahui's position on the State's control of Native Trust Lands, Assets and Resources – specifically, the Ceded Lands or 5(f) lands and natural resources (issues relating to Ka Lahui's position on Hawaiian Home Lands and Natural Resources were covered under Native Hawaiian Housing) include the following:

1. Self-Determination

The State of Hawai'i must comply with federal recognition of Ka Lahui Hawai'i as the indigenous sovereign Hawaiian Nation, as well as federal recognition of the jurisdiction of Ka Lahui Hawai'i over its lands and natural resources, including water.

2. Native Trust Lands, Assets and Resources

The United States Department of the Interior should call for a land freeze (precedence for this action is Interior Secretary Stewart Udall's ordering all land transfers under the Alaska Statehood Act to cease until Congress could act upon the claims of Natives). The State of Hawai'i would then be required to cease the sale, transfer, lease or encumbrance of Hawaiian Homes and Ceded Lands to non-Hawaiians in order to work collectively with Ka Lahui Hawai'i and the United States to segregate traditional lands and natural resources, including water for the National Land Trust. The State would also be required to segregate the financial resources of Native Hawaiians and their descendants and transfer these fiscal resources to the Hawaiian Nation.

3. State Controlled 5(f) Lands and Natural Resources

- a) The United States should require the State of Hawai'i, including the Office of Hawaiian Affairs to work cooperatively with Ka Lahui Hawai'i and the United States to finalize one accurate inventory of the Ceded Lands, and the segregation of not less than one-half of these lands for the National Land Trust. The State of Hawai'i, including the Office of Hawaiian Affairs, shall work cooperatively with Ka Lahui Hawai'i to inventory the financial resources of the Native Hawaiians and their descendants and transfer these fiscal resources to the Nation.
- b) The State of Hawai'i shall also acknowledge the jurisdiction of Ka Lahui Hawai'i over its lands and natural resources, including but not limited to:
 - i. the total environment of the lands, air, water, coastal seas, submerged lands, flora and fauna, and other resources which we have traditionally owned or otherwise occupied or use, and
 - ii. surface and ground water, and energy resources.

The State of Hawai'i shall agree that National Land Trusts are not subject to State or County taxation, legislation, or control or jurisdiction. Ka Lahui Hawai'i believes that the management of natural resources will involve working collectively with all those who use these resources.

- c) The State of Hawai'i shall assume liability for illegal transfer of these lands and for pollution and waste of these trust assets. If such issues cannot be resolved through negotiation, the State will consent to be sued for its breaches of trust.

Ka Lahui Hawai'i in its Ho'okupu calls for the Establishment of a National Land Trust.

A. The Need

The survival of Native Hawaiians, our ancestors, and descendants is rooted deeply in the land. The life of the land is the spiritual and cultural foundation of Native Hawaiians and our children. Therefore, Ka Lahui Hawai'i, like all other sovereign nations, needs to reclaim and recover its land base. Land is one of the fundamental elements of sovereignty. The Hawaiian peoples' loss of their traditional lands has resulted in genocide and diaspora. In order to care for its peoples and to ensure their survival, Ka Lahui Hawai'i seeks to establish a National Land Trust to develop housing, medical and educational facilities, and business enterprises. Lands and natural resources also include the cultural properties, sacred sites, traditional fisheries, and other resources of the Hawaiian nation which are necessary to maintain and preserve the spiritual and economic foundation of the indigenous culture for future generations

B. The Entitlement

Ka Lahui Hawai'i's Constitution identifies the land and natural resource entitlements of indigenous Hawaiians within the archipelagic boundaries of our traditional territories because we assert that our collective rights to land and natural resources preceded the illegal overthrow of 1893.

Ka Lahui Hawai'i's Constitution sets forth an expansive view of these entitlements, including, but not limited to, the following:

1. State held trust lands: Hawaiian Homes and ceded lands;
2. Marine Resources and Fisheries to the 200 mile limit recognized under international law;
3. Surface and ground water rights and submerged lands (i.e. shoals, reefs, atolls, estuaries, and marshes to the 200 mile limit);
4. Lands and natural resources under the Federal Government of the United States;
5. Energy resources: Ocean thermal and geothermal resources;

6. Minerals and other metallic substances;
7. Airspace above the land and marine resources;
8. The trust assets of the Private Trusts;

C. The Commitment

Ka Lahui Hawai'i asserts that the Hawaiian Nation has an obligation to maintain, protect, and preserve the lands and the resources of the Hawaiian peoples for future generations. The following are the basic components which comprise Ka Lahui Hawai'i's Land Management and development strategy:

1. The lands and natural resources of the Hawaiian Nation shall be held for future generations. The lands and natural resources of the Hawaiian Nation are inalienable.
2. Maintenance and development of the national land base shall be guided by the traditional concept of Malama 'Aina, which includes sound principles of Natural Resource Management based on the carrying capacity of the land or the resource.
3. Cultural and historic properties, sacred sites, and other ecosystems of religious or archaeological significance shall be inventoried, managed, and preserved.
4. National lands and resources shall be allocated not only for the collective needs of the citizenry (national undertakings), but for the individual private uses of the citizens which are licensed or permitted by the Hawaiian Nation.

D. The Establishment of a National Land Trust

The preservation and management of our Traditional lands and natural resources require the establishment of a National Land Trust under the control and management of the Hawaiian nation. Hawaiian lands and resources are currently under the control of state and federal agencies, private trusts, corporations, and individuals.

The termination of the United States imposed policy of wardship shall require that Hawaiians devise a new way to:

1. Marshal our lands and resources, and
2. Collectively manage our lands and resources in order to ensure their appropriate use for future generations, and
3. Most importantly to prevent other sovereigns and private corporations who may attempt to delete, encumber, tax or otherwise utilize and diminish our resources.

To this end, Ka Lahui Hawai'i asserts that a National Land Trust should be established immediately as a preliminary primary undertaking. This undertaking should precede any formal negotiation or claims settlement with the United States or the State of Hawai'i. The criteria used above should be utilized in the process of amassing the lands of the Hawaiian nation.

Land and water resources which have been toxified, polluted, or rendered dangerous by virtue of military, state, commercial or industrialized uses should not be automatically transferred to the Hawaiian Nation. Rather, the Hawaiian Nation and its citizens shall establish a method to secure lands and resources which can be used or need to be preserved for future uses.

The National Land Trust shall be comprised of lands currently called;

1. Hawaiian Home Lands;
2. State Ceded Lands;
3. Federally held lands; and
4. Private Land Trusts

Ka Lahui Hawai'i asserts that the current and immediate needs of the Hawaiian peoples for economic development, housing, education, health, and for the protection of cultural ecosystems and historic and sacred properties requires not less than two (2) million land acres. It is Ka Lahui Hawai'i's position that the National Land Trust of the Hawaiian Nation should eventually encompass all of the traditional lands of the Native Hawaiians and their descendants.

Since the Private Land Trusts are designated as a part of the National Land Trust, the Ho'okupu includes a section specifically addressing the Private Land Trusts.

The Hawaiian Monarchy provided for future generations by bequeathing their personal entitlements to land in trust for the Hawaiian people. These include:

1. The Kamehameha Schools/Bishop Estate
2. The Queen Emma Foundation, Queen's Medical Center and Health Care System;
3. The Lunalilo Trust;
4. The Queen Lili'uokalani Trust;
5. The Queen Kapi'olani Women's and Children's Medical Center.

These private trusts were created to provide for education, medical assistance and assistance for elderly and orphaned children. These private trust lands and assets are currently managed pursuant to State and Federal law, despite the fact that they are entitlements of Hawaiians.

Hawaiian beneficiaries have never had any opportunity to set policy for the administrations of these assets, nor have they been able to participate in the selection of the persons who administer the trusts. The appointment process for trustees and administrators of these trusts has been highly politicized and has resulted in the mismanagement of these trusts. Some of the Private Trust Lands and assets have been severely diminished by State condemnation. The Bishop Estate lands have been confiscated by State law in order to provide for private home ownership – a State obligation which the State did not address. These lands are not entitled to the tax and other benefits as proposed by the Ka Lahui Hawai'i National Land Trust.

A. Ka Lahui Hawai'i's Position Regarding the Private Trusts

1. Ka Lahui Hawai'i asserts that Native Hawaiians and their descendants are beneficiaries of these trusts, and should be able to participate in their management and in the setting of policies relating to these lands.
2. Ka Lahui Hawai'i asserts that the lands and assets of the private trusts must be protected from State and Federal actions which diminish their land base or financial resources.

B. Ka Lahui Hawai'i, as the Native Hawaiian Nation, acknowledges its responsibility and obligation to provide for the health, education, and welfare of its peoples. To this end, our national objectives and those of the private trusts are common goals.

C. The Private Trusts shall work cooperatively with Ka Lahui in the following areas:

1. To find ways in which the assets of Private Trusts can be incorporated into the National Land Trust or otherwise designated "National Lands" in order to shield them from State, Federal and County actions (including taxation);
2. To devise processes which shall allow native peoples and Ka Lahui Hawai'i to participate in the setting of policies relating to the management of the private trusts and the appointment and employment terms of the trustees and administrators overseeing these trusts;
3. To collectively develop and implement Service Programs so that duplication is avoided and adequate financing is available;
4. The creation of an H.M.O. (Health Maintenance Organization) providing health services and coverage to all citizens of Ka Lahui Hawai'i who subscribe and which can maximize medical benefits from Medicaid, Medicare, etc. Medical and health services should include, but not be limited to: mental health, substance abuse, family and domestic abuse, nutrition and dietary needs, and elderly health services. Medical services shall be provided to all indigent Ka Lahui Hawai'i citizens.

There are many issues which the Private Trusts and Ka Lahui Hawai'i need to explore. The Private Trusts cannot avoid Sovereignty or escape the ramifications of Hawaiian self-determination. Working cooperatively with Ka Lahui Hawai'i towards common goals is an alternative to beneficiary suits.

Our private trusts are being targeted and diminished; we must all work collectively to maintain and maximize these assets for future generations.

Mahalo for this opportunity to submit written testimony on Hawaiian Land and Natural Resources. If you have any questions, please feel free to call us at our office in Honolulu (808) 845-6246, fax (808) 848-6830, or email us at kalahui@gte.net. We look forward to hearing from you with regard to our participation in the panel on Hawaiian Land and Natural Resources.